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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,245	12/02/2003	John B. Amundson	H0005440-9950 (1161.11421)	3518
128	7590	12/29/2005	EXAMINER	
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			PHAM, THOMAS K	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,245

Applicant(s)

AMUNDSON ET AL.

Examiner

Thomas K. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

First Action on the Merits

1. Claims 1-44 of U.S. Application 10/726,245 filed on 12/02/2003 are presented for examination.

Quotations of U.S. Code Title 35

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim Objections

6. Claim 43 is objected to because of the following informalities: a period "." is missing at the end of claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. Claims 34, 35 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 34 recites the limitation "the one or more schedule parameters" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 35 recites the limitation "the one or more schedule parameters " in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 42 recites the limitation "the modifying step" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

11. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claims 1-15 are rejected under 35 U.S.C. 101 as not being tangible since the elements or features of the claimed Machine can be implemented by software alone. For example, "providing one or more interview questions ...", "accepting one or more user responses ..." and "creating

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and/or modifying ... schedule parameters ...” are representation of the functional aspects of a software program.

Claims 24-30 are rejected under 35 U.S.C. 101 as not being tangible since the elements or features of the claimed Machine can be implemented by software alone. For example, “providing one or more interview questions ...”, “accepting one or more user responses ...”, “translating the one or more user responses ...” and “modifying one or more ... schedule parameters ...” are representation of the functional aspects of a software program.

Claims 37-44 are rejected under 35 U.S.C. 101 as not being tangible since the elements or features of the claimed Machine can be implemented by software alone. For example, “sequentially providing a number of ...” and “accepting user responses ...” are representation of the functional aspects of a software program.

Claim Rejections - 35 USC § 102

12. Claims 1-6, 13-16, 18-20, 22-28, 30-34, 36-41 and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,819,714 (“Otsuka”).

Regarding claim 1

Otsuka teaches a method of programming a schedule of a controller having a user interface, the schedule having a number of schedule parameters, the method comprising the steps of:

- providing one or more interview questions to a user via the user interface (see col. 5 lines 37-38);
- accepting one or more user responses to the one or more interview questions from the user via the user interface (see col. 5 lines 34-36); and

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- creating and/or modifying one or more of the schedule parameters based on the user responses provided by the user interface (see col. 6 lines 24-38).

Regarding claim 16

Otsuka teaches a controller comprising:

- a programmable schedule, the schedule having a number of schedule parameters (see col. 9 lines 14-24); and
- a user interface, adapted and configured to provide one or more interview questions to a user (see col. 5 lines 37-38), and to accept one or more user responses to the one or more interview questions from the user (see col. 5 lines 34-36);
- wherein, the one or more schedule parameters are modified based on the user responses provided by the user interface (see col. 6 lines 24-38).

Regarding claim 23

Otsuka teaches a controller comprising:

- schedule means for providing a programmable schedule, the programmable schedule having a number of schedule parameters (see col. 9 lines 14-24); and
- user interface means adapted and configured to provide one or more interview questions to a user (see col. 5 lines 37-38), and to accept one or more user responses to the one or more interview questions from the user (see col. 5 lines 34-36);
- wherein, the controller modifies one or more of the schedule parameters based on the user responses provided by the user interface (see col. 6 lines 24-38).

Regarding claim 24

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Otsuka teaches a method of programming a schedule of a controller having a user interface, the schedule having a number of schedule parameters, the method comprising the steps of:

- providing one or more interview questions to a user via the user interface (see col. 5 lines 37-38);
- accepting one or more user responses to the one or more interview questions from the user via the user interface (see col. 5 lines 34-36);
- translating the one or more user responses to form a translated response (see col. 6 lines 24-38); and
- modifying one or more of the schedule parameters based on the translated response (see col. 6 lines 39-51).

Regarding claim 31

Otsuka teaches a controller comprising:

- a programmable schedule, the schedule having a number of schedule parameters (see col. 9 lines 14-24);
- a user interface, adapted and configured to provide one or more interview questions to a user (see col. 5 lines 37-38), and to accept one or more user responses to the one or more interview questions from the user (see col. 5 lines 34-36); and
- a translator, adapted and configured to translate the one or more user responses to form a translated response (see col. 6 lines 24-38);
- wherein, the number of schedule parameters are modified based on the translated response (see col. 6 lines 39-51).

Regarding claim 37

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Otsuka teaches a method of programming a schedule of a controller having a user interface, the schedule having a number of schedule parameters, the method comprising the steps of:

- sequentially providing a number of predetermined queries via the user interface (see col. 7 line 39 to col. 8 line 2); and
- accepting user responses to at least selected queries (see col. 5 lines 34-36), the queries adapted to collect sufficient information from the user responses to generate at least a major portion of the schedule parameters (see col. 6 lines 39-51).

Regarding claim 2

Otsuka teaches wherein the providing step comprises providing one or more interview questions that elicit an affirmative or negative user response (see col. 5 lines 34-36, "YES/NO response").

Regarding claims 3, 18, 25, 32 and 38

Otsuka teaches wherein the providing step comprises providing one or more interview questions that elicit a "YES" or a "NO" user response (see col. 5 lines 34-36, "YES/NO response").

Regarding claims 4 and 26

Otsuka teaches wherein the providing step comprises providing one or more interview questions that are natural language questions (see col. 7 lines 55-68).

Regarding claim 5

Otsuka teaches wherein the providing step comprises providing one or more interview questions that are phrases (see col. 7 lines 55-68).

Regarding claims 6, 27

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Otsuka teaches wherein the providing step comprises providing one or more interview questions that are phrases having three or more words (see col. 7 lines 55-68).

Regarding claims 9, 20, 28, 34 and 41

Otsuka teaches wherein the modifying step comprises modifying one or more HVAC schedule parameters (see col. 6 lines 25-51).

Regarding claims 13 and 43

Otsuka teaches wherein the providing step comprises providing one or more interview questions related to, which weekdays have a same schedule, when a first person wakes up, when a last person goes to sleep, when a last person leaves during the day, when a first person arrives home, what a comfortable temperature is when heat is on, what a comfortable temperature is when air conditioning is on, what a comfortable sleeping temperature is in summer, or what a comfortable sleeping temperature is in winter (see col. 9 lines 2-10).

Regarding claims 14, 22, 30, 36 and 44

Otsuka teaches wherein the providing step comprises providing one or more interview questions that provide a plurality of predetermined responses for selection by the user (see col. 7 lines 66-67).

Regarding claim 15

Otsuka teaches wherein the providing step comprises providing one or more interview questions that further display a previous answer that was accepted by the user interface (see col. 8 lines 36-43).

Regarding claims 19 and 33

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Otsuka teaches wherein the user interface provides one or more interview questions that are phrases having two or more words (see col. 7 lines 55-68).

Regarding claim 39

Otsuka teaches sequentially providing step comprises sequentially providing a number of predetermined queries that are context sensitive to the user response (see col. 7 lines 66-67).

Regarding claim 40

Otsuka teaches wherein the accepting step comprises determining the number of queries based on the user responses to the context sensitive queries (see col. 9 lines 2-10).

Claim Rejections - 35 USC § 103

13. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka in view of U.S. Patent No. 6,608,560 ("Abrams").

Regarding claim 7

Otsuka does not teach the providing step comprises providing one or more interview questions that are audible.

However, Abrams teaches a service assistance device for an HVAC system that provide audible interaction with a user (see col. 4 lines 32-41) for the purpose of assisting individuals with troubleshooting the HVAC system (see col. 1 lines 60-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the audible interaction device of Abrams with the system of Otsuka because it would provide for the purpose of assisting individuals with troubleshooting the HVAC system.

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Regarding claim 8

Otsuka does not teach the accepting step comprises accepting one or more user aural responses.

However, Abrams teaches a service assistance device for an HVAC system that provide audible interaction with a user (see col. 4 lines 32-41) for the purpose of assisting individuals with troubleshooting the HVAC system (see col. 1 lines 60-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the audible interaction device of Abrams with the system of Otsuka because it would provide for the purpose of assisting individuals with troubleshooting the HVAC system.

14. Claims 7-12, 21, 29, 35 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka in view of U.S. Patent No. 5,877,957 ("Bennett").

Regarding claims 10, 29 and 42

Otsuka does not teach the modifying step comprises modifying one or more lawn sprinkler schedule parameters.

However, Bennett teaches an automation system for controlling programmable devices by using dialog for training (scheduling) devices , wherein the devices includes a lawn sprinkler (see col. 1 lines 25-28) for the purpose of providing an inexpensive, easily installed, and easily programmable and reprogrammable system by a user with no experience in programming (see col. 2 lines 16-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the automation system of Bennett with the system of Abrams because it

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would provide for the purpose of providing an inexpensive, easily installed, and easily programmable and reprogrammable system by a user with no experience in programming.

Regarding claims 11, 21 and 35

Otsuka does not teach the modifying step comprises modifying one or more security system schedule parameters.

However, Bennett teaches an automation system for controlling programmable devices by using dialog for training (scheduling) devices , wherein the devices includes a security system (see col. 2 lines 16-21) for the purpose of providing an inexpensive, easily installed, and easily programmable and reprogrammable system by a user with no experience in programming.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the automation system of Bennett with the system of Abrams because it would provide for the purpose of providing an inexpensive, easily installed, and easily programmable and reprogrammable system by a user with no experience in programming. (see col. 1 lines 30-32)

Regarding claim 12

Otsuka does not teach the modifying step comprises modifying one or more lighting schedule parameters.

However, Bennett teaches an automation system for controlling programmable devices by using dialog for training (scheduling) devices , wherein the devices includes a lighting (see col. 1 lines 25-27) for the purpose of providing an inexpensive, easily installed, and easily programmable and reprogrammable system by a user with no experience in programming (see col. 2 lines 16-21).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the automation system of Bennett with the system of Abrams because it would provide for the purpose of providing an inexpensive, easily installed, and easily programmable and reprogrammable system by a user with no experience in programming.

15. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka in view U.S. Patent No. 6,824,069 ("Rosen").

Regarding claim 17

Otsuka does not teach the user interface comprises a touchscreen.

However, Rosen teaches a programmable thermostat system for controlling space conditioning equipment includes a touch screen (see col. 3 lines 14-18) for the purpose of achieving an accurate interactive interface with a user to facilitate intuitive programming (see col. 2 lines 10-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate touch screen interface of Rosen with the system of Otsuka because it would provide for the purpose of achieving an accurate interactive interface with a user to facilitate intuitive programming.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

A handwritten signature in black ink, appearing to read 'Th Pham', with a long horizontal flourish extending to the right.

December 19, 2005